

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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NAISHEL SOPHIA,

Petitioner,

-against-

THOMAS DECKER, et al.,

Respondent.  
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19 Civ. 9599 (LGS)

ORDER

LORNA G. SCHOFIELD, District Judge:


WHEREAS, on October 17, 2019, the Petition for Writ of Habeas Corpus pursuant to 28 U.S.C. § 2241 was filed;

WHEREAS, on November 22, 2019, the parties completed briefing in regards to the Petition. A threshold question is whether this Court has jurisdiction to adjudicate Petitioner's claims in light of 8 U.S.C. §§ 1252(a)(5) and (b)(9);

WHEREAS, several Circuit have recently issued opinions on the constitutionality of the jurisdiction-stripping provisions in § 1252, including the Second Circuit. *See Ragbir v. Homan*, 923 F.3d 52, 75 (2d Cir. 2019); *Thuraissigiam v US DHS*, 917 F.3d 1097, 1106-07 (9th Cir. 2019); *Osorio-Martinez v. AG USA*, 893 F.3d 153, 166-178 (3d Circuit 2018); *Hamama v. Adduci*, 912 F.3d 869, 874-77 (6th Cir. 2018). Unlike the petitioners in these matters, Sophia challenges the legality and constitutionality of his detention. It is hereby

**ORDERED** that the parties shall complete additional briefing on whether the jurisdiction-stripping provisions are, as applied to this case, constitutional. Petitioner shall, by **December 13, 2019**, file a memorandum of law. The Government shall, by **January 3, 2020**, file its response. Petitioner, shall, by January 10, 2020, file a reply. The additional submissions shall comply with the Court's Individual Rules.

Dated: December 2, 2019  
New York, New York

  
LORNA G. SCHOFIELD  
UNITED STATES DISTRICT JUDGE